

STARK & STARK

A PROFESSIONAL CORPORATION

MARTIN P. SCHRAMA
DIRECT DIAL NUMBER
609-219-7445
E-MAIL
mschrama@stark-stark.com

ATTORNEYS AT LAW

OFFICE: 993 LENOX DRIVE LAWRENCEVILLE, NJ 08648-2389

MAILING: PO BOX 5315 PRINCETON, NJ 08543-5315

609-896-9060 (PHONE) 609-896-0629 (FAX)

WWW.STARK-STARK.COM

October 15, 2007

VIA FEDERAL EXPRESS

Hon. Claire C. Cecchi, U.S.M.J.
United States District Court
M.L. King, Jr. Federal Bldg. and Courthouse
501 Walnut Street
Newark, NJ 07101-0999

RECEIVED IN THE CHAMBERS OF

OCT 16 2007

HON. CLAIRE C. CECCHI

Re: Lawrence Sheinberg, et al. v. Robert Sorenson, et al.
Civil Action No. 00-6041(JLL)

Dear Magistrate Judge Cecchi:

This firm has recently been engaged as counsel for plaintiffs in the above-captioned matter. It is my understanding that plaintiffs' current counsel has electronically filed a Substitution of Counsel. *See* Withdrawal and Entry of Appearance for Plaintiffs, attached hereto as Exhibit "A."

By means of some rudimentary procedural background, this is a class action case involving a class that was certified in May of 2002. *See* Judge Hayden's Memorandum Opinion, attached hereto as Exhibit "B." Accordingly, the case was scheduled to proceed to trial before Judge Hedges in January of 2007. However, Judge Hedges decertified the class in February of 2007, upon a finding, essentially, that the class was not being adequately represented, because counsel for the class was not observing electronic filing procedures and, apparently, did not receive electronic notices from the Court of the trial date. *See* Letter-Opinion and Order, attached hereto as Exhibit "C."

It is our position that our substitution as counsel in this matter will serve to cure any deficiency in satisfying the adequate representation of counsel element and, therefore, we will seek to simply substitute in as putative class counsel and have the class recertified. Since this case was prepared for trial and the Court has already ruled that the class was otherwise properly certified, our substitution as class counsel should resolve any obstacle to recertification of the class and this matter can promptly proceed to trial.

We write to Your Honor to request a conference to determine how to proceed in this matter. While we would be happy to file formal motions for substitution of counsel and recertification of the class, we trust that we can reach an agreement with counsel at the conference, which should obviate the need for protracted motion practice.

STARK & STARK

A PROFESSIONAL CORPORATION

Hon. Claire C. Cecchi, U.S.M.J.

October 15, 2007

Page 2

Respectfully,

STARK & STARK

A Professional Corporation

By: 
MARTIN P. SCHRAMA

MPS/emp

Encl.

CC: Gerald Krovatin, Esq., *via first-class mail*
Alan S. Naar, Esq., *via first-class mail*
Robert B. Bozdin, Esq., *via first-class mail*
Kevin R. Krantz, Esq., *via first-class mail*
Alison L. Galer, Esq., *via first-class mail*